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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: **HARAGUCHI, Manabu**

Group Art Unit: **3654**

Serial No.: **09/926,029**

Examiner: **John M. JILLIONS**

Filed: **December 20, 2001**

For: **SOLID PREPARATION PACKAGING APPARATUS AND PACKAGING
PAPER ROLL**

SUBMISSION OF APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

August 26, 2005

Sir:

Submitted herewith is an Appeal Brief in the above-identified U.S. patent application.

Attached is a check in the amount of \$500.00 to cover the cost for the Appeal Brief.

If any additional fees are due in connection with this submission, please charge our
Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP

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PATENT TRADEMARK OFFICE

THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

Ex parte Manabu HARAGUCHI

**SOLID PREPARATION PACKAGING APPARATUS AND PACKAGING PAPER ROLL
FOR SOLID PREPARATION**

Serial Number: 09/926,029

Filed: December 20, 2001

Group Art Unit: 3654

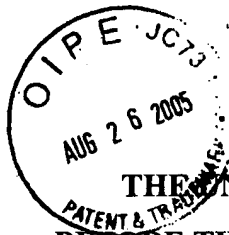
Examiner: John M. JILLIONS

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Atty. Docket No. 010911





**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: **HARAGUCHI, Manabu**
Serial No.: **09/926,029**
Filed: **December 20, 2001**

Appeal No:
Group Art Unit: **3654**
Examiner: **John M. JILLIONS**
P.T.O. Confirmation No.: 1295

For: **SOLID PREPARATION PACKAGING APPARATUS AND
PACKAGING PAPER ROLL FOR SOLID PREPARATION**

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: August 26, 2005

Sir:

This is an appeal from the Office Action dated April 6, 2003 in which claims 8 and 9
were finally rejected.

A Notice of Appeal was timely filed on June 30, 2005.

08/29/2005 JADD01 00000012 09926029

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U.S. Patent Application Serial No. 09/926,029

I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the subject application, which is:

SANYO ELECTRIC CO., LTD.
5-5, Keihanhondori 2-chome
Moriguchi-shi
Osaka, Japan

II. RELATED APPEALS AND INTERFERENCES

Appellant knows of no other appeals or interference proceedings related to the present appeal.

III. STATUS OF CLAIMS

Claims 1-3 have been withdrawn from consideration.

Claims 4-7 have been canceled.

Claims 8 and 9 on appeal have been finally rejected and are the subject of this appeal.

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IV. STATUS OF AMENDMENTS

All amendments have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention relates to a solid preparation packaging apparatus for packaging a solid preparation (hereinafter, the solid preparation refers to all solidified preparations such as a tablet, capsule, pill, and troche) designated by a prescription in a packaging paper in a hospital, pharmacy, and the like, and a packaging paper roll for the solid preparation for use in the solid preparation packaging apparatus. (Specification, pg. 1, lines 7-14)

The paper packaging roll 19, according to claim 8 on appeal, comprises:

an elongated hollow wall defining a tubular shaft member 21 having concentrically spaced inside and outside surfaces, said outside surface being adapted for receiving a thermally fusible packaging paper wound therearound, said packaging paper being in a double folded state with a folded portion thereof being disposed on an end of the shaft member 21; and

at least two notches 21A having a limited length from an end of said shaft member 21, each said notch 21A being defined by a recess disposed in the inner surface of said wall of said shaft member 21 communicating with the end of said shaft member 21 and extending to a radial depth short of the outside surface thereof, each said recess forming a thinner, more flexible portion of the wall than portions of the wall between at least two of said recesses. (FIG. 8; specification, pg. 22, line 24 to pg. 23, line 6)

Claim 9 on appeal recites a plurality of notches disposed about a circumference of the inside of the shaft member. (FIG. 8; specification, pg. 22, line 24 to pg. 23, line 6)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 8 and 9 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.
2. Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over either of U.S. Patent No. 4,684,272 to Watanabe (hereafter “**Watanabe**”) or U.S. Patent No. 5,931,588 to Kanai (hereafter “**Kanai**”) in view of U.S. Patent No. 5,819,500 to Haraguchi et al. (hereafter “**Haraguchi et al.**”).

VII. ARGUMENT

1. THE SPECIFICATION PROVIDES ADEQUATE ENABLEMENT OF THE LIMITATION IN CLAIM 8 ON APPEAL OF “MORE FLEXIBLE PORTION ... SAID RECESSES.”

The Examiner has specifically complained that the recitation in lines 9-10 in claim 8 on appeal, “more flexible portion ... said recesses,” is seen to contain new matter, unsupported by the disclosure as originally filed since the disclosure is silent as to the “flexible” nature of the wall portion.

Appellant respectfully disagrees. The recesses forming the thinner, more flexible portion of the wall are shown as item 21A in FIG. 8, and are supported on page 22, line 24 to page 23, line 6 of the specification. It would be obvious to one of ordinary skill in the art that the skin is thinner in the recess 21A than it is between the recesses 21A, especially since the material is the same. Thus, it follows that the thinner skin area is more flexible than the thicker skin area.

2. CLAIMS 8-9 ON APPEAL ARE PATENTABLE OVER WATANABE OR KANAI IN VIEW OF HARAGUCHI ET AL. AND ALSO OVER HARAGUCHI ET AL. IN VIEW OF WATANABE OR KANAI.

Such packaging paper, when it is wound around on a shaft member 21 produces a condition in which the compressing force added to the end of the shaft member will be increased.

In order to accommodate such a condition, the notches 21A, which are disposed circumferentially about the inside wall of the roll, are provided with a thin portion defined by leaving the outer portion of each engaged portion uncut and the inner portion cut, and removed, as shown in FIG. 8 of the drawings.

By means of this configuration, the thin portion is able to easily bend and has greater flexibility as compared with the uncut portion so that it is better able to absorb the aforementioned compressing force. Additionally, when the packaging paper is wound around the shaft member, a swelled or expanded condition is produced in the region containing the folded edges of the paper. Thus, the flexible thin portion of the respective notches is able, due to such flexibility, to prevent or restrain the swell of the concerned end of the paper roll.

The claimed notch configuration provides an added benefit because, when the outside surface of the notch forming the thin portion remains uncut, the inner and outer peripheries of the paper roll are maintained circular along the region of the paper folds as opposed to being uneven were the wall closing the respective notches not flexible.

Claim 8 on appeal recites that each recess forms a thinner, more flexible portion of the wall than portions of the wall between at least two of the notches. None of the cited references teaches, mentions or suggests this feature. Claim 9 on appeal recites a plurality of these notches 21A disposed about a circumference of the inside surface of the shaft member 21.

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For the above reasons, The Board of Patent Appeals and Interferences is therefore respectfully requests to reverse the Examiner's rejection of claims 8 and 9 on appeal under 35 U.S.C. § 112, first paragraph and 35 U.S.C. § 103(a) and pass this application to issue.

In the event this paper is not timely filed, appellant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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HANSON & BROOKS, LLP



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Enclosures: Claims Appendix

VIII. CLAIMS APPENDIX

Claim 1 (withdrawn): A solid preparation packaging apparatus comprising: a plurality of tablet cases in which respective types of solid preparations are contained; and a thermally fusible packaging paper wound around in a roll shape, so that the solid preparation discharged from said tablet case is packaged in said packaging paper,

wherein said packaging paper is wound around a periphery of a shaft member detachably attached to a rotation shaft to form the roll shape, an engaging portion is formed in said rotation shaft, and an engaged portion attachably/detachably joined to said engaging portion is formed in said shaft member.

Claim 2 (withdrawn): The solid preparation packaging apparatus according to claim 1 wherein the engaging portion is formed to project outside from a base portion of the rotation shaft disposed in an upright manner, the shaft member has a hollow tubular shape, and the engaged portion is notched/formed in an edge of the shaft member.

Claim 3 (withdrawn): The solid preparation packaging apparatus according to claim 1 or 2 wherein a plurality of engaging portions and engaged portions are formed.

Claims 4-7 (canceled).

Claim 8 (previously presented): A paper roll for packaging a solid preparation, comprising:

an elongated hollow wall defining a tubular shaft member having concentrically spaced inside and outside surfaces, said outside surface being adapted for receiving a thermally fusible packaging paper wound therearound, said packaging paper being in a double folded state with a folded portion thereof being disposed on an end of the shaft member; and

at least two notches having a limited length from an end of said shaft member, each said notch being defined by a recess disposed in the inner surface of said wall of said shaft member communicating with the end of said shaft member and extending to a radial depth short of the outside surface thereof, each said recess forming a thinner, more flexible portion of the wall than portions of the wall between at least two of said recesses.

Claim 9 (previously presented): A paper roll for packaging a solid preparation, according to claim 8 including a plurality of notches disposed about a circumference of the inside surface of the shaft member.